IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.08.2006

CORAM

THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.Nos. 29301 and 29302 of 2006
and
W.P.M.P.Nos.1 and 1 of 2006

1.C.Sudhin ... Petitioner in W.P.No.29301/2006
2.B.Radha Ramanan ... Petitioner in W.P.No.29302/2006

-vs-

1.The State of Tamil Nadu rep.by
the Secretary to Government
Education Department,
Fort St.George, Chennai-9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
Nagarcoil, Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

5.Higher Secondary School,
Kallupalam, Idaicode P.O.,
Kanyakumari District,
Rep. by its Manager/Correspondent
G.Sahadevan Nair. ... Respondents

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents 1 to 4 to give the petitioners short term training course as given to other similarly situated persons and consequently approve the appointment of the petitioners as full time Vocational Instructor (Radio and Television Maintenance Repairs) and (Nursing) respectively and pay full time salary with effect from 27.03.1995.

For Petitioners: Mr.K.Ravichandrababu
For Respondents: Mr.P.Gopiraja , GA

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O R D E R

The writ petitions are filed for a direction against the respondents 1 to 4 to send the petitioners for short term training course as given to other similarly placed persons and consequentially to approve the appointment of the petitioners as Full Time Vocational Instructors and to pay full salary with effect from 27.3.1995.

2.The petitioners are appointed as Vocational Instructors on 1.7.1990 and the said post was sanctioned in the year 1995. When the salary in respect of these petitioners were not paid, the 5th respondent/Management has filed a writ petition in W.P.2356/1998 for payment of salary and the same was dismissed against which the 5th respondent has filed a writ appeal in W.A.No.1200/1999. The writ appeal was allowed by the Division Bench of this Court on the terms which reads as under:

> "We direct the Government to pay the full salaries to the teachers concerned and also further direct that it they have made any representation, they shall be considered for being sent for the training in pursuance of such training programme undertaken by the Government in respect of the inadequately qualified teacher."

3.However, subsequently, by the order dated 10.1.2002, in G.O.(D) No.3, the Government has regularised the services of the petitioners. While regularising the services, the 1st respondent has failed to follow the instructions in sending the petitioners for short term training course as directed by the Division Bench, which has resulted in detrimental loss to the salary and other benefits to the petitioners. In view of the same many representations including representations dated 12.12.2002 and 6.3.2006, were sent by the petitioners, the same were not considered.

4.Considering the facts and circumstances of the case, especially that the Division Bench has, while allowing the writ appeal has subsequently directed that the petitioners should be sent for the short term training course, I do not think that there will be any impediment on the part of the respondents to implement in the same, while admittedly, the order of the Division Bench has become final which is dated 12.7.2000. In view of the same the respondents 1 to 4 are directed to send the petitioners for short terms training course and subsequently, to approve the appointment of the petitioners as Full Time Vocational Instructors and pay salary accordingly with effect from 27.3.95 if there are no other legal impediments and such orders shall be passed within a period of eight weeks from the date of receipt of a copy of this order.

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5.With the above direction, the writ petitions are disposed of. No costs. Consequently, connected M.Ps. Are closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

ap

TO

1. The Secretary to Government
The State of Tamil Nadu,
Education Department,
Fort St.George, Chennai-9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
Nagarcoil, Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

5.Higher Secondary School,
Kallupalam, Idaicode P.O.,
Kanyakumari District,
Rep. by its Manager/Correspondent
G.Sahadevan Nair.

1 cc To Mr.K.Ravichandra Baabu, Advocate, SR.39223.

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RVL 12.09.2006

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